

Appl. No. : 10/698,236
Filed : October 31, 2003

REMARKS

In response to the Office Action mailed on May 4, 2007, Applicant submits the following remarks.

Claims 26-32 Are Not Anticipated by Janky

Claims 26-32 have been rejected as anticipated by Janky (United States Patent No. 6,496,874). Applicant respectfully disagrees.

Janky disclosed a cradle for a personal computer such that, when cradled, the personal computer would be electrically connected to a position detecting device, such as a GPS system. Regarding a material that is transparent to wireless signals while being optically opaque, the Examiner has cited the following passage:

FIG. 11 shows an embodiment of the present invention that includes a communication device 1101. Communication device 1101 can be any type of communication device that allows for sending and/or receiving data, voice communication, etc. In one embodiment of the present invention, communication device 1101 is adapted to communicate via a cellular telephone network. The cellular telephone network can be either terrestrial or satellite-based and transmission can be either digital (e.g. Personal Cellular Services, Advanced Mobile Phone Service, Groupe Special Mobile, etc.) or analog. Alternatively, communication device 1101 is a digital communication device adapted to receive and/or send data via a communication network. The communication network can be terrestrial or satellite-based and may use any of a number of different communication formats such as, for example, Cellular Digital Packet Data, one-way paging, two-way paging, etc. Communication device 1101 can be a radio transmitter and/or receiver, a DGPS receiver, a pager, etc. Alternatively, communication device 1101 is an internet wireless communication device such as the internet wireless communication devices of the Ricochet network, available through Metricom, Inc. of Los Gatos, Calif.

Col. 9, lines 33 – et seq. This portion of the disclosure is silent regarding any use of materials that are optically opaque while being generally transparent to wireless signals. In fact, in view of the disclosure at Col. 6, lines 52-61 regarding positioning of antennae, there isn't even a suggestion that the cradle is formed of a material that is generally transparent to wireless signals and that is optically opaque. Thus, upon a careful inspection of Janky et al., Applicant is unable to find any disclosure of a holder that is formed of a material that is generally transparent to wireless signals and that is optically opaque.

Claim 26 recites, among other limitations, a holder that is formed of a material that is generally transparent and that is optically opaque. Moreover, Claim 26 recites an exercise

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machine; Janky did not disclose an exercise machine. Furthermore, Claim 26 recites that the holder is arranged to support a portable electronic device in at least two orientations. While Janky at Col. 5, lines 38-40 states that the "cradle 1 may be designed to receive multiple different handheld personal computer designs," Applicant submits that Janky did not disclose a construction in which the cradle could support a portable electronic device in at least two orientations. All of the disclosed constructions of Janky would have oriented whatever electronic devices were provided to it in the same orientation.

For at least these reasons, the subject matter recited by Claim 26 is not anticipated by Janky. Reconsideration and allowance of Claim 26 are respectfully requested.

Claims 27-32 depend from Claim 26 and these claims are not anticipated by Janky for at least the same reasons that Claim 26 is not anticipated by Janky. Moreover, at least some of these claims recite further patentable distinctions. For instance, Claim 30 recites that the holder includes a generally cylindrical portion and a recessed slot portion that intersect to effectively hold accessories. Such a construction was not disclosed by Janky. Moreover, Claim 32 recites a treadmill. Janky did not disclose a treadmill. Reconsideration and allowance of Claims 27-32 are respectfully requested.

Claim 32 Is Patentable Over Janky And Brown et al.

Claim 32 has been rejected as unpatentable over Janky in view of Brown et al. (United States Patent No. 6,702,719).

Applicant has reviewed Brown et al. Brown et al. also failed to teach or suggest at least the same limitations of Claim 26 discussed above with respect to Janky and Claim 26. Because neither reference taught or suggested these limitations, the combination necessarily failed to teach the same limitations. For at least these reasons, a *Iprima facie* case of obviousness has not been established. Reconsideration and allowance of Claim 32 are respectfully requested.

Claims 1-25 and 33-57 Have Been Cancelled.

In anticipation of the present application being placed in condition for allowance, Applicant has cancelled Claims 1-25 and 33-57 in response to the restriction requirement.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Issuance of a Notice of Allowance is most earnestly solicited.

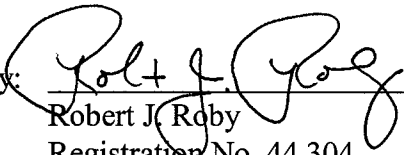
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 8.6.2007

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